

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 98-056-T - ORDER NO. 1999-506

JULY 15, 1999

IN RE: Application of David T. Crouch DBA D.T.C.     ) ORDER / MR  
Transportation Services, 212 East Daniel         ) GRANTING  
Morgan Ave., Spartanburg, SC 29302, for a     ) CERTIFICATE  
Class E Certificate of Public Convenience and    )  
Necessity.   )

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of David T. Crouch DBA D.T.C. Transportation Services (DTC, Crouch, or the Applicant), 212 East Daniel Morgan Ave., Spartanburg, SC 29302 for a Class E Certificate of Public Convenience and Necessity to transport commodities as follows:

Household Goods, as defined in R. 103-210(1):

Between points and places in Greenville, Cherokee,  
Spartanburg, and Anderson Counties.

Pursuant to the Executive Director's instructions, the Applicant published a Notice of Filing, one time, in newspapers of general circulation in the areas of desired service. The Applicant furnished the Executive Director with Affidavits of Publication as proof of publication. Petitions to Intervene were filed by Carey Moving & Storage of Greenville (Carey of Greenville), Carey Moving & Storage (Carey) Lytle's Transfer & Storage, Inc. (Lytle's), Arrow Moving & Storage, Inc. (Arrow), and Smith Dray Line & Storage Co., Inc.(Smith).

Accordingly, a hearing was held on June 30, 1999 at 2:30 PM in the offices of the Commission at 101 Executive Center Drive in Columbia, with the Honorable Philip T. Bradley presiding. Crouch was represented by David Thomas, Esquire. Crouch presented the testimony of himself, Gary Sdao, Kaja Green, and James Clements. Mike Carey appeared on behalf of Carey of Greenville. Pat Carey appeared on behalf of Carey and Arrow. Neither Lytle's nor Smith were present at the hearing. The Commission Staff was represented by F. David Butler, General Counsel. The Staff presented no witnesses.

The Applicant David Crouch appeared and testified. Crouch stated that he has a business degree, and has worked for Greyhound in Spartanburg since 1981. Since 1992, Crouch noted that he has been the agent for Greyhound in Spartanburg. Although the vast majority of his experience has been with passengers, he states that he has had some experience handling packages. The Applicant also has had a Ryder Truck dealership since 1992. Crouch states that, if granted authority, he will be available for those who need him in last minute situations. He notes that most of those who would be his customers would already be customers of his trucking business. Crouch helps load and unload trucks at the present time. He states that he receives 6 to 8 calls a day for moving services, especially in the summer, and he has to turn these down for lack of authority.

Gary Sdao, originally from Niagara Falls, New York and now living in Greenville, states that he has occasion to ship household goods, and that he wanted to use DTC, but that DTC had no Certificate. Sdao noted that other movers wanted him to wait 2 weeks for service, and that they were very expensive. Sdao noted that he wanted to move quickly, and that more movers were needed in his area.

Kaja Green, a banker from the Greenville area noted that her daughter was going to move to San Francisco. Crouch furnished the truck and loaded it for her. Green noted that Crouch was available quickly. She believes that movers like Crouch are needed for quick moves, and who can be flexible in the Greenville and Spartanburg areas.

James Clements, a carpenter and nurse, lives in the Spartanburg area. Crouch testified that he needed a mover on a weekend. One mover he called was not available, and one was high in price. Clements testified that there was a need in the upstate area for more movers.

Mike Carey of Carey of Greenville testified as an Intervenor in the case. Carey noted that Crouch can continue to load trucks as he has been doing without the granting of a Certificate. Carey further testified that there were already a large number of movers available in Spartanburg, and that he had equipment not in use on the day of the hearing. Mike Carey also noted that this Commission had granted 15 of 35 applications for statewide authority since 1994.

Pat Carey stated, among other things that Ryder Trucks are already major competition for household goods moving companies. Carey also opined that there had been no witnesses presented which would support DTC's Application. Both Careys noted that the addition of another mover in the Upstate area would dilute the business available to the already-certificated movers.

S. C. Code Ann. Section 58-23-590 (Supp. 1998) guides our decisions in cases where an Applicant applies for authority to haul household goods between points and places in South Carolina. That statute puts the burden on the Applicant to show that it is

fit, willing, and able to properly perform the proposed service, and that the public convenience and necessity requires the proposed service. Our Regulation 103-133 further holds that the public convenience and necessity portion of the Applicant's burden must be shown by shipper witnesses.

We think that the testimony, taken as a whole, shows that the Applicant is fit, willing, and able, and that the public convenience and necessity requires that the Applicant be granted a Certificate of Public Convenience and Necessity to transport household goods between points and places in Greenville and Spartanburg Counties. The Applicant has had experience primarily as a loader and unloader of trucks, and owns no trucks of his own, but intends to use Ryder Trucks from his Ryder franchise. Frankly, the testimony shows that the Applicant actually has more experience with the transportation of passengers than he does with transporting commodities, but we do recognize that he has had some experience in handling baggage and packages, which we think is transferable to the transportation of household goods. Further, the shipper witnesses presented only go so far as to show the public convenience and necessity with regard to Greenville and Spartanburg Counties. See especially the testimony of Kaja Green and James Clements. No testimony was presented which would allow us to grant authority for Cherokee and Anderson Counties.

However, despite the testimony of the Intervenor in this case, we do think that the public convenience and necessity requires the granting of a Certificate to transport household goods between points and places in Greenville and Spartanburg Counties. The testimony of Gary Sdao, Kaja Green, and James Clements describes a need for someone

who can move household goods on short notice, such as DTC will apparently be able to do. At least the present witnesses seemed to indicate some difficulty in finding such a mover that is presently certificated.

Whereas, we are mindful of the testimony of the Intervenors in this case that another certificated mover would dilute the economic prospects of the already-certificated movers in South Carolina, we believe that DTC fills a special need for a mover who would make himself available on very flexible terms.

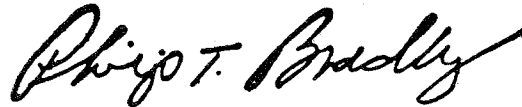
IT IS THEREFORE ORDERED THAT:

1. A Class E Certificate of Public Convenience and Necessity is hereby granted to the Applicant to transport household goods between points and places in Greenville and Spartanburg Counties.
2. That the Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.
3. That upon compliance with S.C. Code Ann. Section 58-23-10, et. seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S. C. Code Ann. Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.

4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

5. That this Order shall remain in full force and effect until further Order of the Commission.

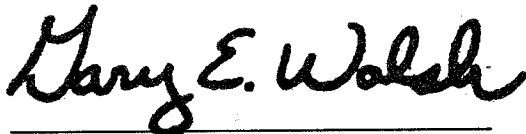
BY ORDER OF THE COMMISSION:



---

Chairman

ATTEST:



---

Executive Director

(SEAL)